

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

UNITED STATES OF AMERICA

V.

DONALD "D.A." JONES;
KENNETH SMUKLER,

Defendants.

A vertical decorative element consisting of a series of wavy, horizontal lines of varying lengths, creating a textured, organic pattern.

Criminal Case No. 2:17-cr-00563-JD

**DEFENDANT KENNETH SMUKLER'S MOTION TO
DISMISS THE INDICTMENT FOR VINDICTIVE PROSECUTION**

Defendant Kenneth Smukler hereby moves this Court to dismiss the Indictment for vindictive prosecution. The grounds for this motion are set forth in the accompanying memorandum of law.

Dated: February 2, 2018

Respectfully submitted,

/s/ Brian J. McMonagle

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on February 2, 2018, the foregoing was filed with the Court's CM/ECF Service.

/s/ Steven N. Herman

Steven N. Herman